

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1130, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 courts and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 33-2.1-7-3 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The division of
- 8 state court administration shall do the following:
- 9 (1) Examine the administrative and business methods and systems
- 10 employed in the offices of the clerks of court and other offices
- 11 related to and serving the courts and make recommendations for
- 12 necessary improvement.
- 13 (2) Collect and compile statistical data and other information on
- 14 the judicial work of the courts in the state. All justices of the
- 15 supreme court, judges of the court of appeals, judges of all trial
- 16 courts in the state, and any city or town courts, whether having
- 17 general or special jurisdiction, court clerks, court reporters, and
- 18 other officers and employees of the courts shall, upon notice by
- 19 the executive director and in compliance with procedures
- 20 prescribed by the executive director, furnish the executive

director such information as is requested concerning the nature and volume of judicial business. The information reports shall include, but not be limited to, the volume, condition, and type of business conducted by the courts, the methods of procedure therein, the work accomplished by the courts, the receipt and expenditure of public money by and for the operation of the courts, and the methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) nor more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-2.1-11.

(6) Administer the judicial technology and automation project fund established by section 10 of this chapter.

(b) All forms to be used in the gathering of data must be approved by the supreme court, and shall be distributed to all judges and clerks prior to the start of each period for which reports are required.

SECTION 2. IC 33-2.1-7-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10. (a) The judicial technology and automation project fund is established for the purpose of funding the judicial technology and automation project. The division of state court administration shall administer the fund. The fund consists of the following:**

(1) Deposits made under IC 33-19-9-4.

(2) Other appropriations made by the general assembly.

(3) Grants and gifts designated for the fund or the judicial technology and automation project.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the division of state court

1 **administration the money in the fund for the judicial technology**
 2 **and automation project.**

3 SECTION 3. IC 33-11.6-4-15 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) The costs
 5 consist of:

6 (1) a township docket fee equal to five dollars (\$5) plus forty-five
 7 percent (45%) of the infraction or ordinance violation costs fee
 8 under IC 33-19-5-2;

9 (2) bailiff's service of process by registered or certified mail fee
 10 of ~~six~~ **thirteen** dollars (~~\$6~~) (**\$13**) for each service;

11 (3) the cost for the personal service of process by the bailiff or
 12 other process server in the amount of ~~eight~~ **thirteen** dollars (~~\$8~~)
 13 (**\$13**) for each service; ~~with the exception that personal service to~~
 14 ~~execute a warrant for a protective order under IC 34-26-2 (or~~
 15 ~~IC 34-4-5.1 before its repeal) shall cost a fee of twelve dollars~~
 16 ~~(\$12) and writs of restitution and writs of replevin shall cost a fee~~
 17 ~~of twelve dollars (\$12);~~

18 (4) witness fees, if any, in the amount provided by IC 33-19-1-6
 19 to be taxed and charged in the circuit court of the county; and

20 (5) a redocketing fee, if any, of five dollars (\$5).

21 The docket fee and the cost for the initial service of process shall be
 22 paid upon the institution of each case. The cost of service rendered
 23 subsequent to the initial service shall be assessed and paid after such
 24 service has been made, and the cost of witness fees shall be paid before
 25 the witnesses are called.

26 (b) If the amount of the township docket fee computed under
 27 subsection (a)(1) is not equal to a whole number, the amount shall be
 28 rounded to the next highest whole number."

29 Page 6, line 14, after ";" insert "**and**".

30 Page 6, line 16, delete "; and" and insert ".".

31 Page 6, delete lines 17 through 18.

32 Page 6, delete lines 23 through 25.

33 Page 6, delete lines 30 through 37.

34 Page 6, line 38, delete "(c) If an ordinance is adopted under
 35 subsection (b), the" and insert "**(b) The**".

36 Page 6, line 39, delete "." and insert "**of two dollars (\$2)**".

37 Page 7, delete lines 2 through 10.

38 Page 7, line 11, delete "(c) If an ordinance is adopted under

1 subsection (b), the" and insert "(b) The".

2 Page 7, line 12, delete "." and insert "of two dollars (\$2).".

3 Page 7, after line 12, begin a new paragraph and insert:

4 "SECTION 13. IC 33-19-7-1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The clerk of a
6 circuit court shall semiannually distribute to the auditor of state as the
7 state share for deposit in the state general fund seventy percent (70%)
8 of the amount of fees collected under the following:

9 (1) IC 33-19-5-1(a) (criminal costs fees).

10 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

11 (3) IC 33-19-5-3(a) (juvenile costs fees).

12 (4) IC 33-19-5-4(a) (civil costs fees).

13 (5) IC 33-19-5-5(a) (small claims costs fees).

14 (6) IC 33-19-5-6(a) (probate costs fees).

15 (7) IC 33-19-6-16.2 (deferred prosecution fees).

16 (b) The clerk of a circuit court shall semiannually distribute to the
17 auditor of state for deposit in the state user fee fund established under
18 IC 33-19-9-2 the following:

19 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
20 interdiction, and correction fees collected under
21 IC 33-19-5-1(b)(5).

22 (2) Twenty-five percent (25%) of the alcohol and drug
23 countermeasures fees collected under IC 33-19-5-1(b)(6),
24 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

25 (3) Fifty percent (50%) of the child abuse prevention fees
26 collected under IC 33-19-5-1(b)(7).

27 (4) One hundred percent (100%) of the domestic violence
28 prevention and treatment fees collected under IC 33-19-5-1(b)(8).

29 (5) One hundred percent (100%) of the highway work zone fees
30 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

31 (6) One hundred percent (100%) of the safe schools fee collected
32 under IC 33-19-6-16.3.

33 **(7) One hundred percent (100%) of the automated record**
34 **keeping fee (IC 33-19-6-19).**

35 (c) The clerk of a circuit court shall monthly distribute to the county
36 auditor the following:

37 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
38 interdiction, and correction fees collected under

1 IC 33-19-5-1(b)(5).

2 (2) Seventy-five percent (75%) of the alcohol and drug
3 countermeasures fees collected under IC 33-19-5-1(b)(6),
4 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

5 The county auditor shall deposit fees distributed by a clerk under this
6 subsection into the county drug free community fund established under
7 IC 5-2-11.

8 (d) The clerk of a circuit court shall monthly distribute to the county
9 auditor fifty percent (50%) of the child abuse prevention fees collected
10 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
11 distributed by a clerk under this subsection into the county child
12 advocacy fund established under IC 12-17-17.

13 SECTION 14. IC 33-19-7-4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a
15 city or town court shall semiannually distribute to the auditor of state
16 as the state share for deposit in the state general fund fifty-five percent
17 (55%) of the amount of fees collected under the following:

- 18 (1) IC 33-19-5-1(a) (criminal costs fees).
- 19 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 20 (3) IC 33-19-5-4(a) (civil costs fees).
- 21 (4) IC 33-19-5-5 (small claims costs fees).
- 22 (5) IC 33-19-6-16.2 (deferred prosecution fees).

23 (b) Once each month the city or town fiscal officer shall distribute
24 to the county auditor as the county share twenty percent (20%) of the
25 amount of fees collected under the following:

- 26 (1) IC 33-19-5-1(a) (criminal costs fees).
- 27 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 28 (3) IC 33-19-5-4(a) (civil costs fees).
- 29 (4) IC 33-19-5-5 (small claims costs fees).
- 30 (5) IC 33-19-6-16.2 (deferred prosecution fees).

31 (c) The city or town fiscal officer shall retain twenty-five percent
32 (25%) as the city or town share of the fees collected under the
33 following:

- 34 (1) IC 33-19-5-1(a) (criminal costs fees).
- 35 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 36 (3) IC 33-19-5-4(a) (civil costs fees).
- 37 (4) IC 33-19-5-5 (small claims costs fees).
- 38 (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

SECTION 15. IC 33-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The treasurer of state shall semiannually distribute one million ~~eighty-seven two hundred eighty-eight~~ thousand ~~five hundred~~ dollars ~~(\$1,087,500)~~ **(\$1,288,000)** of the amounts transferred to the state fund under section 3 of this chapter as follows:

(1) ~~Seventeen~~ **Fourteen** and ~~seventy-three~~ **ninety-eight** hundredths percent ~~(17.73%)~~ **(14.98%)** shall be deposited into the alcohol and drug countermeasures fund established under IC 9-27-2-11.

(2) ~~Nine~~ **Eight** and ~~ninety-seven~~ **forty-two** hundredths percent ~~(9.97%)~~ **(8.42%)** shall be deposited into the drug interdiction

- 1 fund established under IC 10-1-8-2.
- 2 (3) ~~Five~~ **Four** and ~~fifty-four~~ **sixty-eight** hundredths percent
- 3 ~~(5.54%)~~ **(4.68%)** shall be deposited into the drug prosecution
- 4 fund established under IC 33-14-8-5.
- 5 (4) ~~Six~~ **Five** and ~~sixty-five~~ **sixty-two** hundredths percent ~~(6.65%)~~
- 6 **(5.62%)** shall be deposited into the corrections drug abuse fund
- 7 established under IC 11-8-2-11.
- 8 (5) ~~Twenty-six~~ **Twenty-two** and ~~sixty-hundredths~~ **forty-seven**
- 9 **hundredths** percent ~~(26.60%)~~ **(22.47%)** shall be deposited into
- 10 the state drug free communities fund established by IC 5-2-10-2.
- 11 (6) ~~Nine~~ **Seven** and ~~forty-five~~ **ninety-eight** hundredths percent
- 12 ~~(9.45%)~~ **(7.98%)** shall be distributed to the Indiana department
- 13 of transportation for use under IC 8-23-2-15.
- 14 (7) ~~Twenty-four~~ **Twenty** and ~~six-hundredths~~ **thirty-two**
- 15 **hundredths** percent ~~(24.06%)~~ **(20.32%)** shall be deposited in the
- 16 family violence and victim assistance fund established by
- 17 IC 12-18-5-2.
- 18 (b) ~~(8) The treasurer of state shall semiannually distribute the~~
- 19 ~~amount remaining after the distributions in subsection (a) to~~
- 20 **Fifteen and fifty-three hundredths percent (15.53%) shall be**
- 21 **deposited in** the Indiana safe schools fund established by
- 22 IC 5-2-10.1.
- 23 **(b) The treasurer of state shall semiannually distribute the**
- 24 **amount remaining after the distributions in subsection (a) to the**

1 **judicial technology and automation project fund established by**
2 **IC 33-2.1-7-10."**

3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1130 as printed February 21, 2001.)

and when so amended that said bill be reassigned to the Senate Committee on Finance.

Committee Vote: Yeas 8, Nays 0.

Bray

Chairperson